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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/060,872	04/15/1998	DAVID A. ESTELL	GCS27	1073

5100 7590 07/14/2003

GENENCOR INTERNATIONAL, INC.
ATTENTION: LEGAL DEPARTMENT
925 PAGE MILL ROAD
PALO ALTO, CA 94304

EXAMINER

SAUNDERS, DAVID A

ART UNIT	PAPER NUMBER
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1644

DATE MAILED: 07/14/2003

46

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

062,872

Applicant(s)

ESTELL et al

Examiner

SAUNDERS

Group Art Unit

1644

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 5/2/03
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 17-23, 29-32 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 20-23 is/are allowed.
- ☒ Claim(s) 17-18 is/are rejected.
- ☒ Claim(s) 19, 29-32 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/2/03 has been entered.

Following entry of the amendment of 5/2/03, claims 17-23 and 29-32 are pending and under examination.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The amendment has entered no new matter and has overcome 112 issues of record.

Applicant's amendment has necessitated a restatement of prior art rejection previously withdrawn.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman et al. (5,820,862) in view of Macatonia et al., Mehta-Damani et al. or Takamizawa et al.

Garman et al. have been previously cited for teaching identification of T-cell epitopes within a protein allergen and modification thereof (via substitution of amino acid residues) to provide peptides which induce a lowered or not any proliferative response of T-cells. Garman et al. fail to teach the use of naïve T-cells. Rather they teach epitope screening with T-cells from sensitized individuals.

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Each of the secondary references teaches that one can obtain human blood samples and derive dendritic cells (DCs) and naïve T-cells therefrom such that the DCs can present antigen to the naïve T-cells to induce a proliferative response.

It would have been obvious that one would identify epitopes within the allergen of Garman et al. by using DCs and naïve T-cells from a blood sample as taught by the secondary references. Motivation to do so would have been to conduct tests using blood cells from non-sensitized individual so that one would not need to find patients with the allergic disorder.

This rejection was previously stated in paper 30, at pages 4-6 applicant is referred to this paper for examiner's detailed comments regarding the teachings of the secondary references with respect to instant claim limitations.

Applicant's response to this rejection (amendment presented 6/4/02, paper 34) introduced limitations in claims 17 and 18 such that the differentiating of the dendritic cells (DCs) was required to occur in the presence of at least one cytokine. Applicant urged that none of the references taught that cytokines should be combined with the DCs. See page 9 of amendment filed 6/4/02.

The prior art rejection was thereupon withdrawn. Claims have been presently amended such that applicant's urgings in paper 34 cannot be taken as overcoming the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Saunders, PhD whose telephone number is

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(703) 308-3976. The examiner can normally be reached on Monday-Thursday 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Saunders/tgd
July 3, 2003

David A. Saunders
DAVID SAUNDERS
PRIMARY EXAMINER
ART UNIT 182/1644